

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

JOHN BUTZ, :  
 :  
 Plaintiffs : CIVIL ACTION NO. 3:17-1909  
 :  
 v. : (JUDGE MANNION)  
 :  
 LUZERNE COUNTY :  
 CORRECTIONAL FACILITY , et. :  
 al., :  
 :  
 Defendants :

**ORDER**

In accordance with the Memorandum issued this date, **IT IS HEREBY**

**ORDERED THAT:**

1. Plaintiffs' complaint is **DISMISSED** without prejudice pursuant to [28 U.S.C. §1915\(e\)\(2\)\(B\)](#) for failure to exhaust administrative remedies.
2. Defendants' motion to dismiss (Doc. [22](#)) is **DISMISSED** as moot.
3. The Clerk of Court is directed to **CLOSE** this case.
4. Any appeal will be deemed frivolous, lacking merit, and not taken in good faith. See [28 U.S.C. §1915\(a\)\(3\)](#).

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**Dated: September 30, 2021**

17-1909-01-ORDER